

Prepared by:

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ALLIANCE HEALTH NETWORKS, LLC,
a Delaware limited liability company d/b/a
ALLIANCE HEALTH; and SKYLINE
HEALTH SERVICES, LLC, a Delaware
limited liability company,

Plaintiff,

vs.

A TO Z PHARMACY, INC., a Florida
corporation; and MATT STERNER, an
individual,

Defendants.

**SCHEDULING ORDER AND ORDER
VACATING HEARING**

Case No. 2:15-cv-00711-CW

Magistrate Judge Paul M. Warner

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately assigned or referred to that Magistrate Judge.

This Court ORDERS the Initial Pretrial Hearing set for December 9, 2015, at 10:00am VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|---------------|--|-----------------|
| 1. | PRELIMINARY MATTERS | DATE |
| | Nature of claims and any affirmative defenses: | |
| a. | Was Rule 26(f)(1) Conference held? | <u>11/05/15</u> |
| b. | Have the parties submitted the Attorney Planning Meeting Form? | <u>11/06/15</u> |
| c. | Deadline for 26(a)(1) initial disclosure? | <u>12/08/15</u> |
|
2. |
DISCOVERY LIMITATIONS | |
| a. | Discovery is necessary on the following subjects: All claims, cross-claims and defenses asserted by the parties. Discovery will not be conducted in phases or limited to specific issues. Discovery will be conducted in accordance with the Federal Rules of Civil Procedure. | |
| b. | The Parties shall handle discovery of electronically stored information as follows: Potentially relevant electronically stored information will be preserved, and such information will be produced as required by the Federal Rules of Civil Procedure. | |
| c. | The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: The parties agree to proceed in accordance with F.R.C.P. 26(b)(5)(B). | |
| d. | Last day to serve written discovery: | <u>06/01/16</u> |
| e. | Close of fact discovery: | <u>07/01/16</u> |
|
3. |
AMENDMENT OF PLEADINGS/ADDING PARTIES² |
DATE |
| a. | Last Day to File Motion to Amend Pleadings | <u>03/04/16</u> |
| b. | Last Day to File Motion to Add Parties | <u>03/04/16</u> |
|
4. |
RULE 26(a)(2) REPORTS FROM EXPERTS |
DATE |
| a. | Parties bearing burden of proof | <u>08/01/16</u> |

² Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

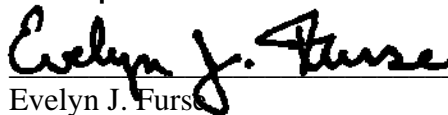
- | | | |
|---|-----------------|-----------------|
| b | Counter reports | <u>09/26/16</u> |
|---|-----------------|-----------------|
- 5. OTHER DEADLINES** **DATE**
- | | | |
|----|---|-----------------------------------|
| a. | Last day for Expert discovery | <u>10/26/16</u> |
| b. | Deadline for filing dispositive or potentially dispositive motions | <u>11/30/16</u> |
| c. | If the parties do not intend to file dispositive or potentially dispositive motions, a scheduling conference will be held for purposes of setting a trial date. | <u>3:00 pm</u>
<u>12/07/16</u> |
| d. | Deadline for filing partial or complete motions to exclude expert testimony | <u>11/30/16</u> |
- 6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION** **DATE**
- | | | | |
|----|---|---------------|-------------------|
| a. | Referral to Court-Annexed Mediation: | <u>Yes/No</u> | <u>00/00/00</u> |
| b. | Referral to Court-Annexed Arbitration | <u>Yes/No</u> | <u>00/00/00</u> |
| c. | The parties will complete Private Mediation/Arbitration by: | | <u>00/00/0000</u> |
| d. | Evaluate case for Settlement/ADR on | | <u>10/26/2016</u> |
| e. | Settlement probability: <i>Unknown</i> | | |
- 7. TRIAL AND PREPARATION FOR TRIAL**
- At the time of argument on motions for summary judgment, the court will discuss the scheduling of trial. Counsel should come to the hearing prepared to discuss possible trial dates. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the 3rd quarter of 2017.

8. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding Markman motions to determine the desired process for filing and hearing of such motions. Parties should file all such motions and Motions in Limine well in advance of the Final Pre Trial.

Signed November 20, 2015.

BY THE COURT:


Evelyn J. Furst
U.S. Magistrate Judge

Approved as to form:

SNELL & WILMER

/s/ Paul W. Shakespear
Paul W. Shakespear
(electronically signed by Eric Boyd Vogeler with permission)
Attorneys for Defendant Matt Sterner

FRIER LEVITT

/s/ Todd Mizeski
Todd Mizeski
(electronically signed by Eric Boyd Vogeler with permission)
Attorneys for Defendant A to Z Pharmacy, Inc.

RAY QUINNEY & NEBEKER

/s/ Robert P. Harrington
Robert P. Harrington
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